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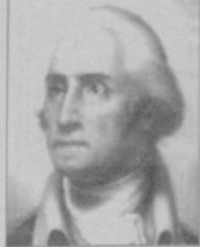
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Prof. Mary Cheh Enters Ward Three D.C. Council Race Law Students Volunteer to Assist Campaign

By ERIC C. JESCHKE
Staff Writer

Professor Mary Cheh recently entered the race for a position as the Ward Three Representative to the Council of the District of Columbia. Kathleen Patterson, who currently represents Ward Three, is running for the position of Council Chair on the thirteen-member council. Ward Three, situated in affluent upper Northwest along the Wisconsin corridor, is one of the eight wards, each of which comprises approximately seventy thousand people. There are also five at-large members including one Council Chair.

Cheh has been peripherally involved in local politics in the past. In 2003, Professor Cheh acted as special counsel for the Council's Committee on the Judiciary analyzing how the District's police force reacts to the frequent protests in the city. That effort culminated in model legislation being submitted to the Council in 2005.

"I had been involved in other law reform initiatives but this one was a real eye-opener for me," said Cheh, who teaches constitutional law and criminal procedure. "When the Ward Three position opened up, somebody told me I should run. I started reflecting on it and thought that it would be exciting to do that type of work directly with the Council."

Professor Cheh, who lived in New Jersey before coming to D.C. in 1978, says she has no current political aspirations beyond the D.C. Council. She does, however, have a number of specific initiatives she plans to address if elected.

"There is so much more we could do to make D.C. a model city," said Cheh. "It can certainly be done given how progressive and reform-minded the residents are here. Mayor Williams has done a number of positive things in the last few years. But with him leaving [at the end of his term], we want to make sure the city does not slip back."

There are a number of key aspects Professor Cheh sees as vital to making a vibrant city: good jobs, safety and basic services, and, most importantly, good schools. Other initiatives Cheh would like to address include Mayor Williams' current effort to modernize the city's libraries as well as improve management of fiscal affairs.

"This city has lost around two hundred thousand people from when it was at its peak," said Cheh. "You really need good schools and efforts in these other aspects to keep those people in the city. We need to focus on having a livable city. Through city planning, we can balance that with the type of development to ensure the city is growing."

Along with these goals, many of which may be common to the other five

candidates vying for the Ward Three position, Professor Cheh highlights her passion to address environmental concerns in the city.

"Recycling programs need a lot of work in this city," noted Cheh. "There are many steps we can take to rid residential neighborhoods of toxic materials as well as protect Rock Creek and the tributaries to the Chesapeake from pesticide runoff."

To accomplish these goals, Professor

Cheh feels a need to instill a new culture in all the levels of the city's government. This new culture would help city workers develop a stronger sense of ownership in their position.

Professor Cheh also noted the importance of remembering that a ward cannot wall itself off from the rest of the city.

"As a ward, we cannot afford to be too self-interested," said Cheh. "My inter-

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MPAA Pres. Dan Glickman to address Commencement

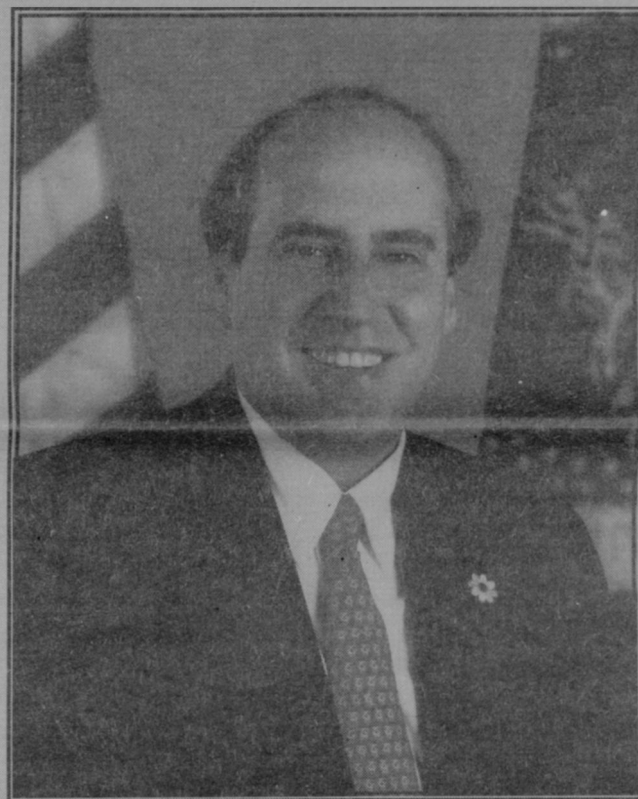


Photo
courtesy
Arkansas
State
University
News.

On Tuesday, Dean Frederick Lawrence announced that the 2006 Law School Commencement speaker would be Dan Glickman, class of 69', pictured above. Glickman, a Democrat, represented the 4th Congressional district of Kansas for 18 years and served as Chair of the House Permanent Select Committee on Intelligence before losing his seat in 1994.

In 1995, he was appointed Secretary of Agriculture by President Bill Clinton and served until the administration left office in 2001. After leaving government, Glickman directed the Institute of Politics at the John F. Kennedy School of Government at Harvard University before taking his current position as President and CEO of the Motion Picture Association of America, Inc.

Eventually the woman ceased her outbursts and class continued essentially uninterrupted. At the close, however, she sprang from her seat to continue her questions about Alito, the Federalist Society and Nazis. Her colleague returned to pass out copies of "Children of Satan IV," a publication bearing photos of Dick Cheney and Hitler on the cover.

Professor Kerr's Criminal Procedure class enjoyed a slightly different escapade. In Kerr's class, the two

visitors identified themselves up front and offered copies of their publication to the class. Since they arrived a few minutes before class started Kerr spoke with them briefly about Justice Alito, the Second Amendment, the NSA and the Federalist Society – all concepts the visitors had ideologically linked.

When Professor Kerr tried to begin class, however, the visitors persisted in discussing Alito. Kerr asked the visitors

See LAROCHE page 4

LaRouche Rabble Rousers Interrupt Classes

By REBECCA PARKER
News Editor

The Law School played host to unexpected guests last week when two supporters of Lyndon LaRouche strayed from the White House-area protests and into the classrooms of Professors Maggs and Kerr.

In Maggs' Human Rights and the Military Response to Terrorism class, the usual "OK let's get started" was immediately followed by an outburst from the back of the room. A young man whose identity is unknown asked Professor Maggs' opinion about the NSA eavesdropping controversy and Justice Alito's position on executive authority. At first, Professor Maggs thought the man was a student, and though the questions weren't relevant to the day's lesson plan, he obliged the visitor.

As the exchange continued, however, the visitor's questions became less academic and some political motivation was apparent. After the visitor asked if Maggs would renounce the Federalist

Society now that they are supporting a "Nazi candidate" for the Supreme Court, it was clear that the visitor had an agenda. Professor Maggs politely informed the visitor that his office hours began after class and invited him for a discussion.

Just as the slightly bewildered class was getting over the departed visitor's comments, his previously unnoticed companion shouted out a question about the day's material.

Professor Maggs noted that the woman's question would be answered in turn but she persisted, insisting that she be answered and refusing to tell students who she was. Because she insisted on asking questions and continued to interrupt the class, Professor Maggs asked her to leave, but she refused.

In retrospect, Professor Maggs said, he should have called security through the media center phones. "I didn't even think about how to call security at the time," he said. "The only thing I could think to do was say 'you're disrupting my class.'"

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News

BLSA Students Score Successes at Regional Competition

By MATTHEW BROWN
Staff Writer

Something is rotten in the state of Chaos. So says Mr. Paul Smith, a Caucasian law student who alleges that a decision by the Department of Justice to hire an African-American law student named Theo Omari over him violated his Title VII Civil Rights to equal employment.

That was the issue in the moot court problem of the Mid-Atlantic Black Law Student Association's Regional Conference, which took place in Philadelphia from January 18-22nd. Representatives from the Law School's BLSA chapter participated in both mock trial and moot court competitions. The DC-based firm Dow, Lohnes and Albertson sponsored both teams.

The topic of the moot court problem was based on an interpretation of Title VII of the Civil Rights Act of 1964, in the fictional state of "Chaos." The issues were twofold: whether the Justice Department's hiring decision constituted an undue and unnecessary burden on Mr. Smith; and, whether Title VII prohibits all non-remedial race-conscious employment decisions.

The moot court competition consisted of three preliminary rounds in which nineteen two-person teams participated, drawn from BLSA chapters at law schools from Virginia to New Jersey. In those three rounds, teams had to do oral argument at least once on the side represented by their submitted brief, and at least once on the opposing side. The third time was "luck of the draw," decided by a coin toss. Following the preliminary round, eight teams were selected for the quarterfinals. Then, of those eight, four teams advanced to the semifinals. The top two teams competed in the final round, which was conducted by a seven-judge panel.

Before oral argument, judges required each team to submit a brief representing either Mr. Smith or the Justice Department. GW BLSA President Will Wilder and Dionne Sethna chose to represent Mr. Smith, and prepared to argue on his behalf.

They encountered a few complications along the way that illustrate the importance of close reading in the practice of law. Sethna and Wilder came to Philadelphia thinking they would have to present only Mr. Smith's side of the case, and did not realize that they had misread the rules until after the initial meeting at the conference.

"We stayed up until 3 a.m. preparing our oral argument for the other side," Wilder said. "For our first preliminary

round, we were blessed to draw 'on brief,' which is the side that we felt most comfortable with. The second round, we argued 'off brief,' and it was a challenge. But, we were quick on our feet and learned as we were going, and ended up getting positive feedback from our judges on that round."

The case itself was hardly a settled issue. Both Smith and the Chaos De-

partment of Justice had major strengths and weaknesses in their respective arguments, which a large number of federal holdings could buttress or undermine. It was up to the competitors to determine how

they could apply.

"It was a matter of being familiar with a wide spectrum of the case law and being able to analogize or distinguish the facts in the cases from the ones in our case; and more importantly, applying the law of those cases to our case to persuade the judges into accepting our arguments," Wilder said.

The pair made it past the preliminary round without mishap, but unfortunately did not prevail in the semifinals.

"I think our final demise case when one judge questioned me harshly...and in order to move on, I ended up conceding a point which I shouldn't have."

Still, Wilder has nothing but praise for the experience. He is happy that he and Sethna proved themselves able to think on their feet despite their initial mishaps, and credits it to an ability to learn quickly and adapt to changing circumstances.

"Our success in the competition is a testament to the work that we put in it. I was very proud of our performance."

The mock trial team consisting of Brandy Murphy, Kue Lattimore, Bianca Ennix and Jewel Baltimore also had great success, placing third out of a dozen teams in the Mid-Atlantic region.

For the mock trial problem, two plaintiffs of "Arcan" descent (a fictitious race created for the competition) brought a false imprisonment and constitutional claim against a vender who falsely accused them of shoplifting. The constitutional claim was based on a made-up constitutional provision developed for the competition that prohibited interference with the right to contract on the basis of national origin.

The four competitors worked as one trial team, switching roles between plaintiff and defense. Lattimore and Baltimore were the attorneys for the plaintiffs while Ennix and Murphy acted as witnesses. The four reversed roles when arguing for defense.

The team will serve as alternates for the National Competition later this year in the event that a finalist cannot attend. □



The BLSA Team: (left to right) Bianca Ennix, Brandy Murphy, Jewel Baltimore and Kue Lattimore.

CHEH from page 1.

ests in this city would not stop right at the boundary of Ward Three."

Both University President Stephen Joel Trachtenberg and Law School Dean Fred Lawrence have been supportive of Professor Cheh entering the campaign. Although she noted it might at times be challenging to balance her duties as a professor and council member, Professor Cheh claims there is a significant amount of synergy between the two positions.

As an example, Professor Cheh cited the Animal Welfare Project created at GW last year that submitted an omnibus piece of legislation to the Council.

"There is also such an untapped resource in all of the talented and en-

ergetic law students in the area," noted Cheh. "The law schools for Howard, American and UDC are all in Ward 3."

Many students, as well as organizations such as the GW Law Democrats, have already come forward to offer assistance in Professor Cheh's campaign. 3L Dave Zvenyach is helping to coordinate the student volunteers.

"My role right now is trying to coordinate students interested in getting involved," said Zvenyach, who has worked for Professor Cheh as a research assistant. "Professor Cheh really wants to engage students, and so far the response has been great. As the campaign evolves, my role will likely change as well. In time, I would like to reach out to the other law schools in the District."

A number of students are also assisting by turning the tables and helping educate Professor Cheh on various issues impacting the city.

"I seriously doubt much Constitutional Law is going to come up in front of the Council," said Cheh. "There are a lot of things I needed to learn about like zoning, land use, and education issues. There are also a number of list servers that volunteers can look at to help me find out the public's thoughts on different issues. I think there are a number of people who have latent political instinct and some who just want to learn about how the city government works."

Although there are other strong candidates currently in the race for the position, Professor Cheh feels she has a solid group of supporters due to the large number of GW Law alumnus and other lawyers in Ward Three. To be elected, Professor Cheh has to mobilize that support over the summer in time for the September 12th primary.

"In this race, the most important thing is the primary," said Cheh. "The ward is about 85% Democratic. If you win the primary, the race is not over, but you feel reasonably safe. One of the biggest keys to winning the primary is receiving an endorsement from the Washington Post. That happens only a few days before the primary but you have to be ready to take that and make literature to get people out on poll day in November." □

CORRECTION: Last issue, the Nota Bene incorrectly stated that Guilherme Roschke conducted legal research on behalf of a friend last summer in a divorce proceeding. We regret the error.

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News

Prof. Emeritus Thomas Buergenthal reelected to International Court of Justice

By RAHKEE VEMULAPALLI
Staff Writer

The UN Security Council and General Assembly recently reelected Professor Emeritus Thomas Buergenthal to serve a nine-year term as judge on the International Court of Justice (ICJ), the United Nation's court of international disputes at the Hague.

The Court is composed of 15 judges from countries such as Jordan, China, the Netherlands, and Madagascar, one third of who are elected every three years. While no more than one of the judges can be from the same country, traditionally at least one American jurist has been a judge on the court.

Buergenthal, a professor of human rights at the Law School, has had a long and distinguished career as a jurist and professor of law. Originally a teacher of legal practice at the University of Pennsylvania, Buergenthal has been a Judge of the Inter-American Court of Human Rights, and remains a member of the Panels of Conciliators and of Arbitrators, at

the International Centre for Settlement of Investment Disputes, a World Bank institution.

Buergenthal, who graduated from NYU Law School and received a Masters in law from Harvard University, has a bewildering range of accomplishments in international law to his name, including published works on public international law and human rights in the Americas, and participation on the UN Truth Commission for El Salvador.

Yet Buergenthal, born in 1934, remains dedicated to deciding the most contentious disputes in international jurisprudence. One case currently before the Court involves a dispute between the Democratic Republic of the Congo and Rwanda that occurred during internecine battles that uprooted entire populations and resulted in the break-

down of roads, government services, and health care.

The court has adjudicated cases both complex and notorious, including NATO bombing attacks in Yugoslavia, the Iranian "platforms" case, and a suit

brought by Libya against the United States and the United Kingdom related to the Pan Am 103 plane crash in Lockerbie, Scotland.

Visiting Professor Michael Matheson argued those cases before the ICJ, and has represented the United States Government in seven separate matters. The Court's title and relative specialization obscure its work from view, but practitioners such as Matheson point out characteristics, such as hearings, that it shares with other courts.

Yet Matheson points out that what goes on at the Court is a "very stylized proceeding." Unlike normal practices in U.S. courts, where judges interrupt and ask questions during oral arguments, the ICJ judges are "extremely cautious about asking questions."

The tribunal may frustrate litigants because, as Matheson says of its judges, "I wish I knew what that guy was thinking."

Judges tend to ask fewer questions than their counterparts in American tribunals, Matheson says, because they do not want the lawyers to infer anything from their

reactions.

The Court expects its litigators to play the role of actors, he says, and they often perform a "dramatic reading of a prepared text" at the beginning of an oral argument. The styles of the attorneys, Matheson notes, vary accordingly. Italian law professors, who do much of the arguing for Italy, are renowned for their lavish robes; "French lawyers," he notes, "tend to be more dramatic."

Another distinct aspect of the Court is that it is both a trial and appellate chamber. Professor Matheson commented that the Court "doesn't like dealing with facts" even though many of the cases that come before the ICJ are extraordinarily complex and factually dense. But Matheson says that while the ICJ judges may behave differently from those in the States, they are "a pretty amicable bunch."

That Buergenthal was reelected "reflects very well on the school," says Associate

Dean Karamanian.

Buergenthal taught at the Law School from 1989 until 2000, when he accepted the position at the Hague. □

Buergenthal, a professor of human rights at the Law School, has had a long and distinguished career as a jurist and professor of law.

That Buergenthal was reelected "reflects very well on the school," says Associate Dean Karamanian.

LaROUCHE from page 1.

to leave, but they refused, so he put it to a vote. The class overwhelmingly agreed that they would rather discuss the Fourth Amendment than Alito's judicial philosophy, with a small group starting a Fourth Amendment chant. Likely noting the hostile audience, the visitors left and Professor Kerr was able to carry on class essentially as planned.

It's not immediately clear why Professors Maggs and Kerr were specifically singled out for berating. On the GW Federalist Society website, they are the first two listed as member professors. It was very clear that the two visitors harbored a severe distaste for the Federalist Society, of which Justices Alito and Scalia are members.

Despite Alito's affiliation with the Federalist Society, it is a non-partisan organization. Professor Maggs, who advises the GW chapter, said that its mission is to encourage political discourse and it does so by bringing speakers to campus and sponsoring debates. The majority of the Federalist Society's members tend to be more right leaning.

LaRouche's political philosophy

has been described in many ways, but it is clear from the colorfully titled brochure that the visitors distributed that there exists a major ideological divide between LaRouche and the current administration.

Overall, both Professors Maggs and Kerr felt the episode was harmless and even slightly humorous albeit disruptive. "The thing that was inappropriate is that they wouldn't leave," Kerr said. Maggs echoed a similar sentiment, noting that students at GW pay a good deal for their education, and it isn't fair to sacrifice half of a class period so that someone may push a political agenda. "I felt bad for the people who were on call that day," Maggs said. "I mean, people don't like to be called on anyway."

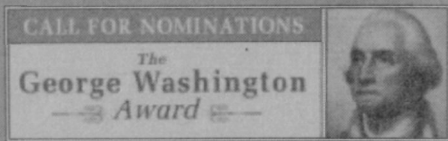
The events have caused some to wonder whether GW's open door policy is appropriate. At Georgetown Law Center, students must show ID to enter the campus. Professor Kerr thinks "it's good we have open doors and it would be nice to keep it up." He noted, however, that if these outbursts became more frequent there could be reason to reevaluate the policy. □

A man died and was taken to his place of eternal torment by the devil. As he passed sulfurous pits and shrieking sinners, he saw a man he recognized as a lawyer making love to a beautiful woman.

"That's not fair," he complained. "I face torment for all eternity, and that lawyer gets to spend it making love to a beautiful woman."

"Shut up!" barked the devil, jabbing the man with his pitchfork. "Who are you to question her punishment?"

THE 2006 GEORGE WASHINGTON AWARD



The Joint Committee of Faculty and Students seeks nominations for the 30th annual George Washington Award.

The GW Award, established in 1976, provides special recognition to members of the GW community, whose exceptional accomplishments and service to the University exceeds that which is usual or expected.

If you are a GW student, faculty or staff member, you may submit your nominations to the GW Award Selection Committee of the Joint Committee of Faculty and Students.

Guidelines and nomination forms may be obtained online at <http://gwired.gwu.edu/dos>. Hardcopies of the forms are available at:

Academic Center Information Desk; Rice Hall Information Desk; Marvin Center Information Desk; Dean of Students Office, Rice Hall, Suite 401; Student Activities Center, Marvin Center 427

**The deadline for nominations is
5:00 p.m., Friday, March 3, 2006.**

Contact the Dean of Students office at (202) 994-6710 for information.

FEATURES

Life Outside the Law: XOXOXO

*My bounty is as boundless as the sea
My love as deep
The more I give to thee
The more I have
For both are infinite*
---William Shakespeare

As Valentine's Day approaches, here is a list of gift ideas:

The Traditional Approach

For the conventional and classic type...

• **Flowers.**

Flowers are the hallmark of Valentine's Day. Red roses have been deemed the quintessential gift to give on February 14th. While some may regard roses to be an outdated gift idea, it is still a classic gift that never goes wrong. Florists throughout the DC area offer a dozen roses for prices ranging from \$50-\$120. Because flowers are in higher demand the closer we approach February 14th, many florists will begin to raise their prices. Florists advise that you buy your flowers as soon as possible to avoid the price hike. For those who want to give flowers but would like to be a little more original, florists recommend the following flowers as Valentine's Day alternatives:

Pink Stargazers, Pink Snap Dragons, Red or Pink Gerbera Daisies. Also, instead of simply giving a bouquet of roses, mix and match red roses with other white or pink flowers.

• **Candy.** Several candy stores throughout DC, Maryland, and Virginia offer a wide assortment of candy boxes for Valentine's Day. Godiva (with locations in

Union Station, Pentagon City, Montgomery Mall, and Tyson's Corner) offers an eclectic assortment of chocolates. The store offers red heart shaped boxes of assorted candy including: classic milk, dark and white chocolate including creams, caramels, nuts, and truffles. These boxes

range in prices of \$15-\$150. One of the more unique gifts offered at Godiva are gift towers. These towers are layered with various boxes of chocolate and wrapped with red ribbon (prices range from \$78.00-\$130.00). There are other candy stores throughout DC that offer similar arrangements.

The Creative Approach For the artistic,



JAIA A. THOMAS

Life Outside the Law



innovative, and imaginative type...

• **Music.** Make a CD of songs to express the way you feel about your significant other. I had a friend in undergrad who made a CD of love songs and wrote a corresponding letter to accompany the CD. The corresponding letter incorporated the title of every song title on the CD.

• **Pictures.** Create a scrapbook or photo album of pictures. Decorate the scrapbook with sayings, quotes, and designs. Kodak has a host of creative ideas on how to turn a picture into a gift. Kodak allows you to create calendars, stickers, and coasters out of your favorite pictures. One of the most unique services Kodak offers is the ability to make puzzles. Submit your favorite picture, and Kodak can turn it into a puzzle for only \$25.00. For more innovative uses for pictures, go to: kodakgallery.com.

• **Arts and Crafts.** Grab the dollies, stickers, glitter, glue and construction paper. Let your creative juices flow and make your own creative, one-of-a-kind Valentine's Day card. Also, check out: michaels.com for a complete list of creative, homemade ideas.

The Personalized Approach For the unique and distinctive type...

• **Engraving.** Hershey's Chocolate offers a wide array of personalized Valentine's Gifts. Most popular are their Valentine's Day cards made out of chocolate. Hershey's allows you to personalize these chocolate cards with red candy lettering done by a professional chocolate decorator. Most cards allow between 24-36 letters and range in price of \$15-\$30. For more details, go to: hersheygifts.com. There are also countless engraving stores such as Things Remembered, which offers an array of personalized gifts. You can engrave sayings on everything from picture frames and bracelets to key chains and trinket boxes.

The Inexpensive Approach

The economical and frugal type...

Hallmark stores offer stuffed small animals for as little as \$2.95 and \$3.99. These small animals come with sayings such as "I love you" and "True Love." Also, feel free to prepare a home cooked meal for your special someone and watch a movie.

The 'If All Else Fails' Approach Give a gift certificate

Whichever your approach, Have a Happy Valentine's Day..... ☐

Summer Vacation Anyone?

I know this may seem a bit premature to many of you, but as a Southern Californian, summer is always on my mind. As soon as fall comes around, I start dreaming of sunshine and beaches. I also plan ahead as well. I think about what I need to do to get into "summer shape," how many times I can make it to the beach, what projects I can accomplish while school is out, and a whole assortment of fun thoughts.

All of this keeps me sane as I deal with the grayish existence of being a law student in the East Coast winter. This is also my motivation for the most important summer planning that I do - THE SUMMER JOB.

For the public interest student, one of the biggest obstacles to planning your summer is figuring out how you are going to pay for basic things like rent and food. From my experience, taking the time right now to prepare for the summer will allow you to not only to pay for basic necessities but also to splurge for some fun in the sun.

As a 1L, I managed to be the guy sprinting to the Career Development Office (CDO) at 4:59 p.m. to turn in my public interest summer subsidy application even though I had possessed a job since October (there's some ABA rule against this latter part, so let's keep this between us).

Fortunately, I was lucky enough to be selected for one of the Shapiro Awards and managed to learn some healthy hints about the entire process since then.

I combined the \$5,000 in tuition remission with a \$3,500 subsidy from an outside source to earn \$8,500 working for a public interest organization that summer. That came out to be roughly \$850 per week for me to do exactly the type of work I wanted and still have time to play. I had a great summer, and I want to help you have similar success when May finally rolls around.

THE JOB

For the public interest student, one of the biggest obstacles to planning your summer is figuring out how you are going to pay for basic things like rent and food.

No amount of available funding is going to work for you if you don't first find a job, so try to strike some balance between all those competitions you are doing and the job search you are neglecting. I don't want to go into detail about what it takes to find a job, but you should remember to start with a good look at Who you are, Where you want to spend your summer, How you want to serve the public interest, What does not

interest you, and When you want to have free time.

Take some time to review the re-

quirements for the GW Public Interest Subsidy, the GW EJF Summer Subsidy, and outside sources. Although they usually have broad conditions, you still have to make sure you qualify. A great way to find out about all of this is at the Summer Subsidies Information Session in L401 on Thursday, February 9 from 5pm to 6pm. You can pick up materials about GW, EJF, and outside funding options.

THE MONEY

Most people grow up thinking that money comes from the work that you do, but in the public interest world, you often must first find the money to do the work. Luckily for you, GW added four scholarships this year and increased the total summer subsidies funding to \$195,000. With 51 GW summer subsidies, the 10 or so EJF grants, and the countless outside funding options, your chances are very good.

To maximize your opportunities, you should take the time now to chart out all the available funding options. The CDO has a great list with which you can start. This timeline (please refer to previous columns for more information) will give you a leg up as you systematically apply for funding. You should remember to note whether the subsidy allows you to get academic

credit, to combine with other sources, to receive additional compensation from your employer, to work outside the country, and so on and so forth. Most importantly, you should note when the application is due and what you need to include in the application.

Last year, GW began to allow summer subsidy recipients to receive both funding and academic credit for their work. You still will have to fulfill outside placement requirements, but this is a great bonus for doing good work. Recently, GW also re-categorized their scholarships to increase the applicant's ability to qualify for multiple grants.

All this means that there is plenty of money out there for you. Your pre-summer job is to put together a great application. Most funders have similar application forms, so doing a good job the first time around will save you a lot of time and make you a lot of money. Don't be afraid to ask others to review your application and comment on your supporting materials. Chances are your

employer has gone through this with other summer law clerks in the past and knows what it takes to be successful.

As long as you start now and stay persistent you will do very well for yourself this summer and make enough money. Just remember to budget in some trips to the beach and some cool sunglasses. ☐

To maximize your opportunities, you should take the time now to chart out all the available funding options.

FEATURES

Winter Games: Prelude to the Summer Olympics

By now, you should be recovered from your post-Super Bowl hangover, which is good, because in just three short days, the Winter Games of the 20th Olympiad will begin in Turin, Italy. Or is it Torino, Italy? Turin? Torino? Turin? Torino? After first hearing that the games were being played in Torino on the stupid Visa commercial with that snowboarder, I investigated further. Apparently, Torino is the Italian name of the city, while Turin is the Americanized name. Good work, Olympic marketers! Now we have half a million people with t-shirts that have the wrong name of the city. I'm going with Turin for the simple reason that if the Games were in Rome, we would not call them the Roma Games. Plus, I've already bought several dozen Olympic sweatshirts that say Turin, and I don't want to throw them away.

Now that that's settled, let's take a look at some of the more interesting sports that will be contested over the next two weeks. Unlike the Summer Games, with its overloaded buffet of sporting events like trampoline and rhythmic gymnastics, the sports of the Winter Games fall neatly into only seven categories. After watching the previous world championships from almost every featured sport, I can safely give my expert opinion on what I think will be the most intriguing events to watch from each category.

Biathlon
This sport originated in Norway in the 18th century when northern Norwegian soldiers often had to ski over extremely flat fields and then shoot dead lemmings that had been pinned to trees as training for their war against the southern Norwegians. Oddly enough, the United States has never won a medal in this event, so if you want to be ahead of the game,

root for Jay Hakkinen, who is apparently the best American biathlete despite his 13th-place finish in Salt Lake City. When Jimmy Roberts does a sappy profile on him after he finishes ninth, you can turn to your friends and say, "Hey, I knew about that guy two weeks ago!"

Bobsleigh
Bobsleigh and skeleton make up the two events in this category. Bobsleigh, as we all know, was invented on the island of Jamaica by four colorful Jamaicans and John Candy back in 1988. Since then, the less-tropical nations have caught on, leaving the Jamaicans in the dust for the past 18 years. Skeleton made its resurgence in 2002 after a 54-year absence from the games. This event is similar to the luge, except riders go down the course face first, which makes for a much less exciting race. Jim Shea Jr. captured the nation's heart in Salt Lake City by becoming the first third-generation Olympic athlete, winning the gold medal by 0.05 seconds. Unfortunately, there are only second-generation Olympians in the skeleton event this year, so no one will be paying attention.

Curling
This sport apparently originated in Scotland, although many Canadians claim that their country invented the sport as an alternative for those children who sucked at hockey. Teams of four attempt to place stones on a target, using brooms

and chimney sweeps to slow or quicken the pace of the stone. There is also a lot of strategy involved, as stones can be used to block later stones thrown by the other team. After watching the sport back in 2002, my friend claimed that he could make the Olympic team after only playing the sport for a week. We all laughed back then, but he's the one laughing now, as he just earned a spot on the US team over the weekend.

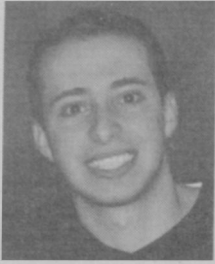
Ice Hockey
Canada's other pastime, ice hockey, also originated in the British Isles. While the Brits would love to relive their glory days of the 19th Century, sadly they didn't qualify for Turin. The match that's on everyone's mind is the grudge match between the US and Kazakhstan on February 16, when the Kazakh team will try to prove its country is famous for something other than hilarious television reporters. The Canadians look like the favorite here, but don't be surprised if a feisty US team sneaks its way into the semifinals. Do I smell "Miracle on Ice 2"? YES!

Luge
Luge is the French word for sled. Why it deserves its own classification on the official Olympic website is beyond me. Invented by Vikings as a way of weeding out the stupid ones (no sane Viking would ever agree to ride on a sled), the first international luge race was won by an Australian. An auspicious beginning for a sport that has captured the imaginations of doz-

ens. For some reason, someone thought it would be a good idea to have a doubles event for this sport. This event has the distinction of being the only mixed sport in the Olympics (except mixed doubles, if that's actually an Olympic sport). Men and women, however, have traditionally not ridden together on the same team. Hello, Martha Burk, do I sense a lawsuit?

Skating
Women's figure skating is probably the premier event of the Games. In the past 12 years, we have been treated to some amazing storylines. First, we had little Tonya Harding (back before her Celebrity Boxing days) trying to put the kibosh on Nancy Kerrigan's knee but to no avail. Then, we had little Tara Lipinski steal the gold out from under 18-year old Michelle Kwan's nose. Next, we had little Sarah Hughes steal the gold out from under 22-year old Michelle Kwan's nose. You all see what I'm building to, right? Will this be the year that Kimmie Meissner finally breaks through and wins the gold medal? Only Dick Button knows for sure.

Skiing
Last, and certainly least, we have skiing. With six disciplines (including snowboarding, which oddly enough is competed on skis), skiing has something for everyone. Not to be outdone by the geniuses who came up with the biathlon, the southern Norwegians decided to combine ski jumping and cross-country skiing into the Nordic Combined event. Evidently, southern Norway was unprepared for the invasion by the biathlon trained northern Norwegians in the Battle of Nesjar, so they decided to perfect a new training regimen by jumping off of cliffs and then (for those that survived) skiing over the extremely flat terrain for many miles.



JONATHAN AUERBACH
Left-Wing Lock

Nota Bene announces a new feature! Hearsay...

Every issue, Nota Bene will publish the funniest out-of-context, outlandish, or just plain inappropriate comments from inside the classrooms of the Law School. But we'll need your help, so send your overheard comments from within current classes to NBHearsay@gmail.com. If nothing else – this should help you pay better attention in Corporate Tax. You can thank us later.

Overheard in Saltzburg's Evidence -

"What's the character trait we are looking for here – non-pervert?"

Overheard in Lewyn's Torts (last semester) -

"Strict liability is clearly wrong because we haven't covered it yet. That's just there to separate the D students from the F students."

Overheard in Colby's Con Law II -

"We're not some hippie drum circle here – we're the Supreme Court."

Overheard in Steinhardt's International Law (last semester) -

"So customary international law is part of our federal common law. Now, at this point, you know that weenie, first year, who was in all your classes, he would say, 'But professor, under Erie, there is no federal common law.' What would you say to my weenie?"

<< Laughter >>
"You're the most perverted class I have ever taught."

Overheard in Cahn's Trust and Estates (last semester) -

"It's not like you easily forget that you made a donation to a sperm bank."

NOT BAD!

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Beer Golf, Dead Bodies and Democracy

What a difference six months makes. As of this writing, 1L's are just entering their sixth month of law school. I knew this fact, but it wasn't brought home until I was sent a picture from a friend at school of a "beer golf" tournament some of us had participated back in September.

Looking into our faces, one can see only vitality, energy, and the innocence of young folks taking that next great step in the long and storied careers we are sure of achieving. One other striking feature: We look nothing like that now.

I obviously kid, but there is something to take from the distinction. I was recently discussing some story ideas with a friend when she said, "Are all your stories so critical of the law?" I was a bit taken aback by her question: First, it indicated she may not have been reading each of my stories religiously every two weeks; but more importantly, I wondered if I was becoming cynical. Several days later, another friend, who *had* read one of my stories, had asked if I was unhappy with law. I again questioned whether or not I was becoming skeptical of this career I had set out upon just six months ago with such high hopes.

I accept that the study of law has not been all I've expected it to be—but I would submit that this is the case for most people. Thinking about going into law is, in theory, a highly-exciting exercise. I always believed that a career as a lawyer was an honorable one that rivals doctors, public servants, and priests (for those of us who even know any). The first year of school definitely sheds light on some aspects of law that we may not have been aware of just last summer. Here are two recent examples:

I always believed that the law is the law, and that, generally, all skilled and prudent judges who looked carefully at an issue would come to the same conclusion. No where else did I think this *should* be the case than the Supreme Court. Not so, apparently. One example is from the most recent Supreme Court case regarding the Pledge of Allegiance.

In *Elk Grove Unified School District v. Newdow*, a father brought a suit on behalf of his daughter claiming that requiring students to recite the Pledge in school was unconstitutional under the First Amendment. The father, though, did not have custody of his child, the custodial mother did not want her daughter to be involved, and there was a serious question as to whether the father's interests were parallel with his daughter's. Due to the questionable relationship and federal courts' deference to state courts on domestic issues, the majority held the father had no standing. But for the late Chief Justice Rehnquist, this was not enough.

It's widely believed that the Chief Justice gave the father a pass on the standing issue just so he could make a judgment

on the merits of the case. I happened to agree with him on those merits, but the idea that he knew how he wanted to judge the case and then shaped his opinion around that goal doesn't seem to me how Supreme Court cases should be decided.

I lost a little more of that innocence reading *Lujan v. Defenders of Wildlife*, a case brought by an environmental group against the Secretary of the Interior for failing to enforce a certain regulation abroad. The regulations required any governmental agency, prior to implementing any land development project, to consult with the Department of the Interior to determine whether any endangered species would be adversely affected and how that impact could be minimized. The case dealt with the Defenders of Wildlife's standing in the case, so the merit of the government's implementation of the rule was not

discussed.

Seeing that Justice Scalia was writing in the majority holding against the environmental group, I have to admit I approached the decision with apprehension and possibly a belief that the case was decided incorrectly. After reading the case, though, the best argument the group had for maintaining actual injury was that several researchers had "future plans" to go to these foreign locations and study these endangered species. I wanted the law to promote environmental protection, but the fact was the law was not on their side. And I agreed.

Winston Churchill once said "a young person who isn't a liberal has no heart, and an old person who isn't a conservative has no brain." Seems to me there is no better facilitator of that development than studying law. Although these cases seem like any others one reads in their pile of books each afternoon, I have to admit each time a case strikes me this way, I feel like Gordie in "Stand By Me": After seeing that dead body, I'll never be the same again.

I guess the point I'm trying to make is that questioning or being critical of the law does not mean one is dissatisfied or disillusioned with it.

In fact, the more I understand the scope of that on which we are embarking, the more energized I become with the possibilities. In his latest book, *The Future of*

Freedom, Fareed Zakaria contends that a free and stable nation depends more on a structured civil society, including an enforced system of laws, than on democracy itself. That idea might be met with disdain in the "heartland" of America, but we may be watching his theory in action right now with the recent elections in Palestine.

To be a part of the system that makes our country the place the world looks up to is a great thrill, and there may just be some honor in it. □

By JOHN MURPHY
Staff Writer

Thinking about going into law is, in theory, a highly-exciting exercise.

Questioning or being critical of the law does not mean one is dissatisfied or disillusioned with it.

There's Gonna be a Jailbreak

Some clarification is in order, dear readers. The published edition of my last column was so heavily cut that it ceased making sense in a couple of parts. For the record, I don't drink brandy, nor have I ever been in a hunting lodge. And I can't even pronounce Wittgenstein. It was part of a long, convoluted joke that got lost in editing. Sorry for having confused you. I pledge from now on to put all that LRW training on conciseness to use.

Second semester has arrived. We're quicker, more methodical, and more impatient than we were before. It's like acquiring a video game and finding that you lack the motivation to figure it out, so you just go online and look up all the solutions and finish it in an hour rather than confronting any unnecessary challenge for the fun of it.

If we weren't all cynics coming into law school, the first semester — and our introduction to the way exams are graded — has stripped away our illusions. Class is a mere formality. We all know now that briefing doesn't work; it's for showoffs and people with OCD. The rest of us are just concerned about old exams, outlines, and perhaps, showing up for that occasional participation grade (which I myself doubt actually exists). This is the stuff that cuts to the bottom line. This is the stuff that matters. This is what *pays off*, for God's sake.

It is kind of sad to see this, but I don't disparage it; it makes sense. I mentioned last issue that economy is a higher priority this semester, and I see clear signs of it every day in the hustle and bustle of the lounges. Everyone

has become so non-nonsense. We've got our suits, our interviews, our networking socials. We chat and discuss cooking up new ways to parlay a single sheet of life experiences and a single semester's worth of grades into the internship of our dreams.

And it's all exacerbated by the fear that someone is going to walk in the door and knock down the house of cards by completely one-upping us, ruining what makes us stand out among everyone else. This happens often. Much, much, much too often for our egos to handle comfortably.

Forget what you've been told month after month and get down to brass tacks. Law school is not about learning to 'think' like a lawyer. You proved you could do that already with the LSAT. Law school is really just a three-year long job search. It costs upwards of \$150,000, but it's a job search nevertheless.

And in light of that, every move you make should be in consideration of what kind of career you want to pursue, both before and after graduation.

Fortunately, unlike so much of the institution, the outcomes to this are highly subjective. Some of

us will pursue different options, either by choice or circumstance. Some of us will have our pick of employers and snap up \$145k per year opportunities to represent corporate America; others

will turn their backs on firm life and pursue a humbler passion in the public interest (along with our 4-5 other degreed roommates living in Columbia Heights); still others will wake up the day after commencement and realize that they are without a legal job and the intent to pursue one.

Each of these can be a dream or a nightmare situation,

all depending on one's state of mind. The best way to look at the uncertainty — not knowing what you want, or what you are capable of getting — is to remember that every choice, as well as every circumstance, is a tradeoff.

We all sacrificed something by coming here, whether it was time, money, or any one of a vast number of intangible factors. Wherever you end up, you've got to identify and weigh the burden against the benefit, and decide if it's worth sticking with or if it's a better idea to try something else.

That segues neatly into my final note: even if you want nothing at all to do with BIGLAW (or lack the grades to consider it) go to the Paul Weiss reception

if you have the chance. In addition to plenty of good food and drinks, I hear that they've been passing out 64mb flash pens like party favors, so at least you'll have a cool little way to backup your exams if the wireless gives out during your next round of finals. □

L-VAGO
One-L Hellion

Class is a mere formality.

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Others will turn their backs on firm life and pursue a humbler passion in the public interest (along with our 4-5 other degreed roommates living in Columbia Heights)

FEATURES

What a Tangled Trail we Leave

When I was a kid, I was fascinated by slugs. First off, they were gross – which is always a major plus for any 8 year old. Second, you could coat them in salt, and they would squirm in the most disgusting way. But, I also used to love the way they left a trail of slime wherever they went – you could follow them for yards (which is pretty far for a slug) on dry pavement.

Now, imagine you are the slug making your way through pavement that is the internet. Like the slug, you leave telltale signs behind of who you are and what you are doing. A few weeks ago, major news outlets reported that the government had subpoenaed Google's records listing the text of every search for the last week. The story initially set off a firestorm of criticism from privacy advocates and legal scholars as another example of government overreaching.

Over the following days, it became clear that the government was only interested in the text of the searches and that the information the government sought was completely disconnected from the individuals doing the search. In fact, the *New York Times* has reported that the ACLU, while likely to file an *amicus* brief, is unlikely to stress privacy as one of the grounds on which the subpoena should be quashed. Nothing assures us, however, that the government won't attempt to subpoena that information in the future. Thus the story was a reminder that our actions online are rarely anonymous and that some thought should be given to the degree of privacy we want and expect.

There are a couple of ways we can be tracked on the internet. I've talked before about how every computer on the internet is assigned a unique number, known as an Internet Protocol (IP) address. This number is used just as a normal street address, and information is sent to and from your computer using that IP address. Generally, an ISP knows which customer is assigned to an IP address, and most keep records for a variety of legal and law enforcement purposes.

But it's not just your ISP that knows you by your IP address. Every website you visit is given your IP address – it's how you receive information (like web pages) from remote computers. This means that every page you visit on CNN can be tracked by the CNN servers, by your ISP, and probably by several other computers in between. Sometimes, this is useful. For instance, IP addresses are often used to track those engaging in child pornography and internet fraud. IP addresses are also subpoenaed by media companies to help identify and file suit against those illegally sharing music and other media online. IP addresses can also be used to penetrate anonymity when those on the internet can connect an IP address to a particular user and use it to gather information on that individual.

Another technique often used to connect an individual's internet presence to her real world identity is cookies. Cookies are little bits of information stored on

your computer that identify a particular user or computer. For example, every time I visit the *Washington Post* website, I am greeted as "himowitz1" without providing any information. This is because they have left a cookie identifying me as a registered user. This cookie gives me access to the Post's content. Because the *Washington Post* is a reputable company with a strong privacy policy, I don't mind this. Other companies aren't so benevolent. These companies put cookies on your computer (often without your knowledge) and run massive operations on many websites to track what websites you visit and what content you view, and they will work to connect that information with your identity, often by getting you to fill out information on one of the websites you visit.

Clearly there is the potential for abuse. Many people now use the internet as an easily available electronic library and assume that internet usage is at least as anonymous as walking into a physical library and opening a book. In fact, it's much less so. For example, it would be possible for medical websites to track who visits what webpage. Not a big deal

if you are simply looking for how to treat your ear ache, but potentially a huge deal if they sell the names or IP addresses of individuals looking at information about abortion to anti-abortion activists.

So how can you protect yourself? Both Internet Explorer (IE) and Firefox have privacy options that can stop or control the flow of cookies, or limit their use to specific sites. Because so many sites now require cookies, however, this can be a tedious process. Another option is to go in and occasionally delete your cookies through the two web browsers. This keeps data from accumulating and makes it less likely that you'll be tracked for any length of time. Furthermore, programs like Ad-Aware (www.lavasoft.com) will delete many cookies from your system and can provide information about how to minimize this threat.

Another option is to use a proxy server designed to provide anonymity on the internet. These are websites to which you can connect that provide you with their webpage for viewing any other webpage on the net. To anyone watching, it appears you have only visited one website. These websites have received a significant amount of press lately because they are a popular means by which the Chinese attempt to outwit their government's controls on the internet. Your privacy, however, is only as good as the word of the proxy website you use, and any proxy will likely have to comply with the laws of its local government.

Ultimately, the most important thing to remember is that your online identity is no more secret than your real world one and sometimes significantly less so. You can protect yourself in a bunch of ways, but just as when you leave the house, when you go on the internet you need to be aware that someone may be watching. □



IKE HIMOWITZ

The Computer Guy

Biff Around Town: Capitol Hill

The *Nota Bene* Star Chamber "suggested" that I vet the bars on Capitol Hill; naturally, I agreed. There are many bars that are technically located on Capitol Hill, but there are three in particular that capture its essence: Capitol Lounge, Politiki, and Hawk & Dove. And by "essence," I mean "obnoxious white guys who work for Congress." But don't be dissuaded; there are good times to be had.

If you start at the Capitol and head south down Pennsylvania Avenue you'll first encounter Capitol Lounge. Recently, part of Cap Lounge burnt down, but like a mediocre phoenix, she rises again. Cap Lounge's best attribute is the goofy stuff on the walls: its vintage campaign memorabilia urging you to vote McGovern in '72 or Reagan in '80. There's a pool table, a bunch of TVs, a jukebox, and the food is pretty good. Unfortunately, though, there's an abundance of twentysomethings in business casual trying to talk over each other about appropriations and Trader Joe's. Lil' Abramoff notwithstanding, Cap Lounge has a fun, social atmosphere, and I've had a good time there more often than I haven't.

If you continue south on Penn Ave., you'll next hit the Pour House. When I went there, it was called Politiki. The blazing visionary who owns this joint apparently thought it would be cute if he combined the words "politics" and "tiki" and then craft his bar accordingly, i.e., pack a bunch of Hill staffers into a tavern and slap a token tiki bar in the basement. If I sound bitter, it's because

I am. This place used to be awesome, but the new bartenders are bad, bad people. For example, I was dutifully drinking at the tiki bar one night when this fat, filthy Korn roadie-looking bartender threw on a speed metal song with the chorus "get the [fiddlesticks] out of here" to clear the bar out at last call. I have heeded the song's advice, and you should too: stay away from whatever they call themselves these days.

The last bar on the tour, Hawk & Dove, is my favorite. It's surely the most unpretentious of the trio; it has good, consistent drink specials, and the friendliest overall atmosphere. It's dark and smoky; the servers are flirty and efficient; and the food is sloppy, greasy and delicious. It has throwback DC sports memorabilia on the walls, and stately pictures of our Founding

Fathers, like a good DC bar should. One can go to Hawk & Dove and comfortably get drunk with the people one came with. If you're going to the Hill for a drink, go to this one.

Like the Hill staffers that patronize them, these bars are fairly homogenous. But they can be fun and cheap. Don't be shy; check one out.

Capitol Lounge is located at: 229 Pennsylvania Ave, SE

Pour House: 319 Pennsylvania Ave, SE (but don't go there)

Hawk & Dove: 329 Pennsylvania Ave, SE

Effusive praise? biffgw@hotmail.com. □

- BIFF

Biff Around Town

The Internets Corner

by Leo Hinze

Before we return to our regularly scheduled program, I'd like to observe a moment of silence for the departure from the blogosphere of the love of my life. Yes, that's right, that sound you hear is the sound of my heart breaking into a million little pieces. Wonkette, a.k.a. Ana Marie Cox, has left the building. <http://www.wonkette.com/politics/wonkette/letter-from-the-editors-politics-makes-strange-blogfollows-151416.php>

Sure, she's been replaced by the supremely capable A3G, er, I mean David Lat of Underneath Their Robes, <http://underneaththeirrobes.blogs.com/> (which stands on its own as a great blog), but I could never love a man who pretends to be a woman as much as I can love a real woman. Believe me. I've tried. Don't stop visiting Wonkette, though, and please keep emailing him/her your sightings of famous-for-DC people (especially your Bush twins sightings).

One of the great things about the interwebnet space is the way it brings out peoples' creativity. Not only does the web allow folks to share their creativity with an audience of billions, the web brings out latent creative talents that might never have seen the light of the day if not for the fact that there is a forum in which to share.

At the high end (the socially acceptable end) of the creativity scale is flickr.com, a great site that allows you to share

your photographic creativity with others. They have a nifty little thingamabob that shows the photos the users find the most interesting (<http://www.flickr.com/explore/interesting/2006/02>). I use this as a neat-o way to find new and interesting wallpapers for my laptop. One of my friends tells me it's also a wonderful tool for wiling away at least a half-hour per day at work.

Slightly less acceptable is somethingawful.com/photoshop at Something Awful. If you want a new spin on some of favorite childhood books, check out the "Grown Up World of Richard Scarry" from October 28th.

To see one man's vision of 21st century funny, check out Rathergood at rathergood.com, especially the Sponge-monkeys (rathergood.com/moon_song). I'm sure his mom is proud.

At the low end of the almost safe for work scale is one of my favorite creativity sharing sites these days, ytmd.com, a.k.a. You're The Man Now Dog! Sure, it's not creativity on the same level as Flickr or even Something Awful, but it's still good fun. One of my faves is <http://ualuealeuale.ytmd.com>. Make sure your sound isn't up too loud before clicking.

Happy surfing. internetcorner@gmail.com

p.s. I love the moooooon! □

OPINIONS

The Intelligence-Industrial Complex

In his landmark work, *Privacy and Freedom*, Alan F. Westin penned what has become the most well-regarded definition of privacy: "Privacy is the claim of individuals, groups or institutions to determine for themselves when, how, and to what extent information about them is communicated to others."

Privacy is different from anonymity, which consists of the complete absence of identifying information. Confidentiality is a promise a third party makes to safeguard sensitive information. Privacy is therefore when an individual claims the right to dictate and control confidentiality. The Supreme Court has recognized a limited "reasonable expectation of privacy," but this right is often waived once information is shared with another party.

However, with few fiduciary exceptions, the law views sensitive information through one of two lenses: Property or Contract rights. When the law considers sensitive information in the light of property rights, the individual has no real substantive rights regarding how sensitive information is communicated to others.

Occasionally, however, a third party will give up some of its property rights by contracting with the individual. The common online "privacy policy" is an example of this type of contract. The privacy policy often establishes some promise of confidentiality in exchange for the sensitive information. However, a careful reading of many privacy policies show that they contain several open-ended clauses that allow companies to share sensitive information at will. Contracting for confidentiality represents a limited form of privacy, but

in neither case does the individual have an implied right to anonymity.

On the other hand, we treat visual likenesses very differently. If you take a picture of me, you own the photograph. However, I retain certain rights to my own likeness, and you are not allowed use my likeness for profit without my permission.

There are strong analogous ties between one's visual likeness, and one's "informational likeness," or the information that, when all put together, comprises your identity. I have difficulty understanding why we do not treat an "informational likeness" akin to a visual likeness, rather than mere property.

Most organizations recognize that there are levels of sensitive information. Consequently, we have developed artificial rhetorical fences to describe these levels, such as "Directory Information," "Personal Private Information," or "Identification Information." However, as data brokers share and correlate personal information, the lines of sensitivity between artificial categories of information become blurred. When viewed separately, mundane information such as a name, a random address, an anonymous credit score, race, gender and a salary may have very little meaning. However, when combined these pieces of information begin take on value.

I asked a national data broker for a list of D.C., Montgomery County, Fairfax County and Prince Georges County residents. They could deliver a list of 194,000 people who have a credit score of 500 or above, a household income of \$50K, and some other demographic information, ordered by birth date; the price is between

6 and 15 cents each. If you ever feel overvalued at work, just remember that you're worth no more than 15 cents. Mailing lists are the tip of the data-correlation iceberg.

In his famous military-industrial speech of 1961, President Dwight D. Eisenhower warned that, "[i]n the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex." This complex consisted of private military companies influencing public policy decisions. Today, we have developed what might be termed an "intelligence-industrial complex," or intelligence out-sourcing.

As public debate about national security letters, warrantless wiretapping, and Google searches ramps up, private companies are conducting wholesale surveillance on most American adults. At the same time they openly share their vast databases with law enforcement and other government agencies, these companies are influencing public policy on privacy.

Share Point is an example of a major data broker that collects, collates, and stores mundane and sensitive records on almost every adult in the United States. When sensitive personal information is the property of a corporation, it may be lost, stolen, sold, or hacked. In fact, one year

ago, thieves compromised almost 150,000 identities from Sharepoint. Since that time, more than 50 million identities have been reported lost, stolen, or compromised by American banks, universities, data brokers and hospitals.

Some of the information is alarmingly simple to access. For example, using the "filetype" operator in Google, within minutes I was able to locate the private e-mail addresses of the Editor-in-Chief and Managing Editors of the Washington Post.

I have found detailed information on Democratic Party fundraiser guests, including individual ticket prices. The University of Alabama, Birmingham posted the names and SSNs

of almost 1,000 former students. A University of Idaho fraternity posted the names, addresses, phone numbers, and e-mail addresses of 2,622 current students. This, of course, is a small sampling of the information that is shared by corporations about you, without your knowledge.

Privacy is the control that individuals claim over the flow of information about themselves. This right is rapidly but quietly eroding at the hands of private corporations, and the intelligence-industrial complex.

Aaron Titus, XXXX-L, is the editor of privacyfreaks.org. □

By AARON TITUS
Staff Writer

Private companies are conducting wholesale surveillance on most American adults. At the same time they openly share their vast databases with law enforcement and other government agencies, these companies are influencing public policy on privacy.

Justice in Wonderland

"When I use a word, it means just what I choose it to mean, neither more nor less." ~ Humpty Dumpty in Lewis Carroll's, *Through the Looking Glass*

The nomination of Samuel Alito to replace Supreme Court Justice Sandra Day O'Connor was intended as a curative against the judicial philosophy of those justices whose opinions betray the view that their role is to divine, if not prescribe, the evolutionary development of this society's "standards of decency."

Odd, it is, that today's self-described "Liberals" and "Progressives," (but in fact, radical Leftists and Repressives), seem oblivious, or impervious, to the warning that the justices, like other mere mortals entrusted with government power, are as susceptible to the seductions of absolute power as are the members of the less-genteel branches of government. Yet members of government, the justices are; and by their own fiat, they wield enormous power.

No doubt, the radical Left's imperviousness has been fortified by their arrogant disdain for what they consider the benighted – and largely Christian – rabble who make up the majority. The counter-majoritarian impulses of those who cheer on the Humpty-Dumpty-like Blackmuns, Brennans, and Breyers dominate their

thinking, and their contempt for mere majorities is undisguised.

But suddenly, with the confirmation of Justice Alito, they suddenly recognize the danger of an all-powerful judiciary. And they are apoplectic. Their fear of the effect that this combination *could* have on constitutional jurisprudence betrays their clear expectation of the effect the opposite combination *should* have on constitutional jurisprudence.

And although correct about the effect of un-conservative ideology and judicial philosophy, they are incorrect about the effect of conservative judicial philosophy, even if employed by one who holds conservative political beliefs.

Proponents of the view that the Constitution is a "living" document recognize that "evolving" constitutional dictates and prohibitions – which correspond remarkably with today's Leftist/Repressive ideology – can only be discerned through emanating penumbral mists. Such discernment can only be accomplished by jurists who are in tune with the enlightened interpretive skill of saying whatever must be said to justify their opinions.

Just as these Great Seers have bestowed upon us the right to define our own "concept of existence, of meaning, of the universe, and of the mystery of human

life," they have bestowed upon themselves the exclusive privilege of defining for all of us what the Constitution, a framework of government, brings to bear on every topic of political controversy.

This formidable power in the hands of Alito, Roberts, Scalia and Thomas is as unsettling to Leftists as the same power in the hands of Ginsburg, Breyer, Souter and Stevens has been to Conservatives. But in the hands of Conservatives, the invitation to use that power will be rejected.

That does not mean there will not be outcomes that look conservative to Leftist eyes. There will be. By refusing to legislate from the bench, Conservative jurists will leave things as they are. That is the nature of being conservative. It is also the nature of the judicial craft, as the doctrine of *stare decisis* suggests. So the societal changes the Left demands will now be less likely to be imposed by the Court. They will have to be made through the political process.

And this is what the Left so desperately strives to avoid, precisely because they know they cannot win in that arena. The hallmark issues of the American Left are losers in the political realm. They have been and would again be soundly rejected. The Left has a vision for America that a clear and solid majority of Americans does not share and does not want. Alito, Roberts, Scalia and Thomas will not foist upon the People social changes they *do not* want. But they recognize that the Constitution permits the People to enact most of the

changes they *do* want.

Perhaps a twist on the *Picture of Dorian Gray* would provide another apt literary metaphor on the status of constitutional jurisprudence today. There, the

outward appearance of the "original" remained unchanged, while the "representation" of it aged and revealed all the

ugliness of the accretions to the original over time.

In this case, the representation of the Constitution, studied in our law schools and debated by the pundits, bears the accretions to it that were not there at its signing. That document, a framework for government, has been given the detail of an architect's final plan. From crime to education to human sexuality and reproduction, the Constitution has, in the hands of justices on the political Left, developed an amazing breadth of detail about how our lives are to be governed.

Meanwhile, across town, in a lighted, air conditioned case, the original Constitution of the United States literally fades away. Its words and meanings lost on the "Progressives".

As Justice Alito takes his place on the bench, it may be hoped that the monster of the last 70 years will instead begin to fade, and that the words and meanings of the original will be restored. At the expense of mixing literary metaphors, let's hope that Justice Alito and his Conservative brethren meet more success than did all the king's horses and all the king's men. □

By refusing to legislate from the bench, Conservative jurists will leave things as they are.

DAVID MCALPINE
Right Answer

POLITICS!

OPINIONS

Republicans Loss of Soul Opportunity for Democrats

The Republican Party is apparently in crisis. As they say, "power corrupts," and we got a whole lot of corruption going on. There is something else going on though, something more fundamental. There is a hypocrisy that is eating away at the GOP from within. They have embraced wholesale the principles of the Christian Right and have abandoned the principles formerly at their core, the real distinction between the right and left: fiscal responsibility and a smaller federal government. This isn't to say that they exchanged social principles for fiscal principles; rather the pandering in conjunction with the unfettered power of controlling both Houses of Congress and the White House has led them astray.

By J. ALEX HARMAN
Staff Writer

**There is a
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within.**

The simple fact that the budget surplus has turned into a massive deficit should cause every Republican to question the direction of their party.

Yet going into an election year tainted with scandal, and a president with approval ratings that effectively make him a lame duck, the Republicans are still spending money like a teenage girl with daddy's credit card.

I was slapped in the face with some hypocrisy last week reading an editorial about the health care problems that are plaguing the auto industry. Let's review some conventional wisdom first. Most can agree that historically, the Republicans have been hostile to unions, pro big business, and more disciplined on spending. In recent years, however, large businesses from airlines to automakers have been facing a problem: retired workers are receiving pension and health benefits that are draining the profits of these companies. So as airlines and other companies file bankruptcy, we are bailing them out by letting them default on their pension obligations as Federal Pension Benefit Guaranty Corporation (PBGC) steps in and takes over. As a result the bankrupt company can restructure and get back to the business of making money with their pension obligation passed on to the taxpayers.

As mentioned above, I was reading an editorial that decried the tragic situation that has befallen Ford and GM. Both companies have announced major job cuts and factory closures. One statistic that has gotten a lot of mileage in recent weeks is that for every car produced, GM spends more on health care than on steel. Why has this happened? The author of the editorial tried to place the blame for GM's problems on "generous unfunded pension and health benefits for its workers." Generous? Unfunded? It is as if GM woke up one day and had a pension obligation that it didn't deserve. We don't

refer to interest paid on consumer debt as generous and unfunded benefits to credit card companies because consumers make agreements and can choose to live within their means or beyond. These companies have chosen to ignore their obligations and are now being smothered in the reality of their mistakes.

Last year when the bankruptcy reform was passed we heard plenty about out of control consumer debt, and how it was costing the responsible consumers billions to support the deadbeats. Yet last year congress had to bail out the PBGC to the tune of 20 billion and all we hear is that the greedy union workers are the problem. Greedy union workers, like those at Northwest Airlines, where pilots have taken pay cuts totaling about 39%, flight attendants have taken cuts of about 20 to 25%, mechanics have taken about a 25% pay cut, and ground

workers are facing an 11.5% pay cut and even then about 1,800 to 2,500 workers might still lose their jobs. The workers took these cuts because Northwest has petitioned a judge to invalidate the union contract eliminating the pension benefits and cutting wages by even more.

Delphi, the auto parts manufacturer formerly part of GM has filed bankruptcy and is proposing workers take a 50% pay cut.

**Republicans
are still
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money like a
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with daddy's
credit card.**

It is certainly the prerogative of business to employ the number of employees they need, and at the pay they can negotiate, but they can't negotiate then mismanage the company and try to blame the union contract. It is the responsibility of companies to develop a business plan that takes into account labor

costs. Running to the GOP controlled government looking for a bailout is incomprehensible.

Seems like some hypocrisy to me.

Fiscal responsibility can't be the party line when nobody actually suggests anyone be fiscally responsible. It was Bill Clinton and his fiscally conservative policies that created the booming economy of the 90s, but it is the Republican controlled government that has been busting the budget year after year with no end in sight.

I think the real way for Democrats to take back congress in '06 is to flank the GOP on the right, and claim the fiscally responsible legacy of the Clinton presidency as their agenda. The reform agenda needs to be more far reaching than lobbying and power abuses, rather there must be a fundamental shift in policies, and the Democratic Party needs to deliver.

Alex Harman, 3L, is President of the American Constitutional Society. □

What's a Real Conservative to Do? Part I

The last week has been an eventful one for Republicans inside the beltway. Judge Alito was confirmed, Congressman Boehner was elected as the new majority leader, the Deficit Reduction Act made its way out of

By TONY COTTO
Staff Writer

conference, and President Bush delivered his State of the Union address. By all accounts it should have been a great week for conservatives. Yet as we sit around our smoke-filled back rooms and plot our next moves, there is a growing discontentment among real conservatives. "But we won the Presidency, both houses, and have reshaped the court—*why isn't it working?*"

Government is bigger than ever, more intrusive than ever, more expensive than ever, more entrenched than ever, and all this with Republicans in power! Traditional moral values, religion, and personal accountability are under attack everywhere we turn and our leaders aren't doing anything about it! Over my next two columns I'll try to tease out what is going on and what we real conservatives have to do to be heard and assert our will.

I'll let everyone in on the dirty little secret – there is a magic punch that is concocted deep in the halls of all those government buildings in D.C. No one knows exactly what is in it, but I'm told the intoxicating elixir is made from a base of rampant spending, a few gallons of automatic expansion, several heaping spoonfuls of unaccountability, and a splash of spineless juice. When conservatives weren't paying attention, a lot of Republicans drank the punch and turned into spineless moderates. To our detriment, rather than kick them out early on for doing so, we vacillated and protected them.

For too long I've heard it (and sadly I've sometimes said it too)...

"Well we're not crazy about (insert Republican candidate's name here), but he's way better than the Democrat." We said that, went to bat for those candidates, and they won. But while we were out on the field getting them elected and re-elected, they were kicking back with some more punch. They decided they really liked to give away money and the people who were getting it were very happy, so they did it some more.

The 2005 Federal Budget contained 13,997 pork-barrel projects, worth \$27.3 billion. A \$50 million indoor rain forest? Sure! \$750,000 for a local Yoga Center? Why not! \$600,000 to expand the width of local horse trails? Of course! It's only the American Taxpayers' money! And woe to the public official who fails to bring home the

bacon – "They were handing out freebies and you didn't get us any?"

Nor is the spending stupor limited to Congress. The Executive Branch has played an enormous role in the unprecedented expansion of government control and costs.

Agencies kick and scream when their automatic budgetary increases don't get doubled. President Bush's \$741 billion Medicare drug benefit and his 142% increase in the Department of Education budget to run No Child Left Behind are painful reminders that he campaigned as a fiscal moderate and is living up to it.

Forty-three percent of the American economy now depends on government in one way or another. The Founding Fathers' stomachs would turn at that statistic the same way real conservatives' do. Like a voracious cancer, govern-

ment has slowly but surely spread to all aspects of American life, and our government is increasing in size EVERY DAY.

Statistics show that the average American works for 5.3 months just in order to pay their federal, state, and local

taxes. Make no mistake, we are moving toward socialism, and real conservatives must step up to the plate before it's too late. We're already in the bottom of the ninth with one out – it's time for some real heroes to do what needs to be done.

It is time to **unapologetically** renounce government control over America. The private sector can and does do much better than government, for a host of reasons I don't have room to go into. There ought to be no shame in appreciat-

ing the value of capitalism, private enterprise, and making government smaller.

Fortunately, there is hope for the future because there are those who abstain from the punch, and we must protect them and proclaim their efforts atop our

lungs. Senators Jon Kyl (R-AZ) and Dr. Tom Coburn (R-OK) decry pork and on the House side Congressmen Mike Pence, Ron Paul, Jeff Flake, and their friends on the Republican Study Committee are moving in the right direction. Sadly, they do not control the Congress.

So what are real conservatives to do? It's actually simple—find folks who don't drink punch, fund their campaigns, and see to it that they get elected.

Hopefully someday, the punch fountain will run dry.

Next week: Standing up for Conservative values

Tony Cotto is a 3L. □

**There is a
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OPINIONS

Why Bother?

I'm not a hard guy to get in touch with. As a result, I tend to get emails from other students expressing whatever is on their minds.

Students will contact me with questions that are sometimes *unusual* (Why isn't there any toilet paper in the 2nd stall in the third floor burns women's restroom?), sometimes *profound* (Anything you can do about the late grades for us? It's not like the professors have a strenuous job as it is – what six hours of teaching per week. Give me a break!), sometimes *happy* (Could you have Bar Review again at Mackey's? Seems like all the good looking 1Ls came to Bar Review when it was there, so let's do that again.), sometimes *angry* (80 degrees in L201? Seriously now... they say law school is hell and they were right.), and sometimes concerned (Why are there so quiet few places to study during finals?).

I got a very interesting question from a first year student who stopped me in the hall: Why should I bother with all of these things going on outside of class?

She went on to say that there was so many things going on – speakers, competitions, Barrister's Ball, Bar Review, networking socials, firm visits, writing competitions, and the list goes on and on. Why bother – didn't I really come to law school for the express reason of getting a JD?

As I began to think about her question more and more, I wondered if she was actually right. Do we lose focus on the pursuit of academics when so many extracurricular activities are taking place? Should you re-read a case rather than observe a panel discussion? Should you edit your paper or memo rather than go to Barrister's Ball? Should you skip the Van Vleck finals to review for class for the next day? Should you stay late in the library rather than play on an intramural team? Should you go to bed early to get a good night sleep for an interview rather than play poker with some law school friends?

Where is the trade-off?

Truthfully, no one came to law school hoping to just scrape by. Everyone here wants to excel academically. Grades matter to everyone – oftentimes the question is to what degree is matters. But grads do matter. Grades matter for the journal competitions. Grades matter for what interviews you might get. Grades matter for what summer job you might get. And just last semester, the *Nota Bene* ran a staff editorial saying law school was really all about the grades. The list goes on and on.

So that brings me back to the question – why bother with all these outside activities, events, information, etc.? Why run for SBA, lead a student organization, attend events, or do anything for that matter?

I guess the answer comes down

to this for me: if law school were a job, I wouldn't want to work it 80 hours a week. I wouldn't want law school to be something that I didn't give me the flexibility to attend events, learn outside of the classroom, and be a part of the law school community. Hell, if you are like me, any time spent "working" over 60 hours a week is a waste and won't do diddly for me.

For me, law school represents one of the last times in our lives that we are truly the boss (for \$35,000 per year, I'd better be the boss!). This may be one of the last times we can decide what to do – listen to a panel, plan an event, go to the Supreme Court to watch oral arguments, take a pro bono job on something unrelated to your field, or do whatever you want. In a few short months for me, I'll do as my boss tells me. No more lunchtime speakers (without permission or burning vacation), no more Thursday night Bar Review (unless I'm in bed early to get up for Friday work), and no more panels about terrorism or an unrelated field (CLE must be earned for relevant work!).

I'm going to get every dollar worth from my three years. I know that in no time at all, I'll be at the beckon call of "the man."

Of course, grades in law school are important – so spend the time you need to be comfortable with yourself. But, don't feel like you can't be a part of this unique community we have here. Our law school is different from other schools – you won't find a school with over 45 student organizations, you won't find 800 people at Barrister's Ball at other schools, you won't find speakers coming here from such unique backgrounds, you won't find weekly Thirsty Thursdays, and you won't find a group of students that are generally so close and collegial. It's unique here because we all seem to treat our law school as a community that supports each other.

So back to the question, "Why bother?"

I say bother *because you can*.

Make sure you walk away from law school satisfied that you got everything you could from your experience. You did what you wanted; attended what you were interested in; met friends you'll keep; and found ways to fill your three years that you will remember fondly. That's what makes your experience worth bothering for – and it makes the rest of our experiences richer as well.

Next time you look around and wonder why you should bother and why you should get involved in the non-academic parts of GW Law, remember the freedom you now have.

The freedom to bother or not to bother. Yup, that *is* the question. And if you choose to bother, don't hesitate to drop me a line... no, it's not a bother. □

ERIC KOESTER
A Message from the Prez

Why bother – didn't I really come to law school for the express reason of getting a JD?

I'm going to get every dollar worth from my three years. I know that in no time at all, I'll be at the beckon call of "the man."

Board Editorial

Pressed by Intimidation

The past week has seen uniquely sad events stemming from the publication of several cartoon depictions of Mohammed in European newspapers. With relations between the West and the Muslim world already at low ebb, the cartoons produced reactions in Muslim communities in Europe and throughout the world that while tragic and outrageous, are not entirely surprising. Protestors have called the cartoons blasphemous and an attack on Islam. Many media channels in Europe and the United States have responded that this is a matter of free speech versus intimidation.

The *Nota Bene* is not in its element commenting on foreign affairs, so we will avoid any commentary on the reasons for the chaos. However, the situation does raise important questions about exercising freedom of speech in the face of intimidation.

Each issue, we take a stab at humor in our horoscopes, attempting satirical plays on life at the Law School and the events of the day. This issue, the cartoon flap was a natural subject, considering the saturation of coverage and its seemingly absurd nature. Unlike most weeks, however, when we write the horoscopes as quickly as possible late in our production run, this set took more time. Why?

The cartoon bit gave us trouble. We could not settle on the right language

for the joke, and went through several drafts, cutting out specific words and phrases and ending up with the sanitized (though, we would argue, funny) version you can find on the back page.

The bottom line is that events two oceans away, because of their violent and unpredictable nature, gave us pause about something we were writing here. This may say more about our mettle than much else, but it still demonstrates the powerful effect intimidation has on freedoms we take for granted.

While both sides debate the rightness of their actions, what is clear is that freedom of speech is the biggest loser in this mess.

Regardless of their current solidarity, European media outlets will certainly tread lightly around such issues in the future, rightfully fearing backlash at home and abroad for future transgressions.

In much of the Muslim world, centrists and reformers will have been reminded once again that the power of pen is not yet a match for the mob rule.

And in this country, we will continue to steer close by the political correctness that often stifles our dialogue. These events are a sad lesson that government action is not the only threat to our freedoms.

As thugs the world over have not forgotten, intimidation through violence is still very effective. □

While both sides debate the rightness of their actions, what is clear is that freedom of speech is the biggest loser in this mess.

Nota Bene

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Horoscopes

Aries

(March 21—April 19)

Barrister's Ball was everything you expected and more! Much more. Brace yourself for a vicious paternity suit.

Taurus

(April 20—May 20)

You think that Dan Glickman is an inspired choice for commencement speaker. You are not a 3L.

Gemini

(May 21—June 21)

You were surprised that Professor Maggs thanked the LaRouche partisans for their "excellent performance" at the end of class last Tuesday.

Cancer

(June 22—July 22)

You were surprised that Professor Kerr didn't kill the LaRouche partisans long before the end of class last Tuesday.

Leo

(July 23—Aug. 22)

The Pittsburgh Steelers Super Bowl victory cost you \$25 and further inflamed your hatred of Middle America. Take a Starbucks break and relax.

Virgo

(Aug. 23—Sept. 22)

The cartoon imbroglio finally has you reading the real news over the Onion.

Libra

(Sept. 23—Oct. 23)

While you may not agree with him on everything, you think that LaRouche makes a lot of sense on Alito.

Scorpio

(Oct. 24—Nov. 21)

Your money is on Brokeback Mountain at the Oscars. And so is your heart.

Sagittarius

(Nov. 22—Dec. 21)

Have patience with the professors who have not yet turned in your grades. They have had patience with you, Student 5437X1.

Capricorn

(Dec. 22—Jan. 19)

You noticed that many more couples are popping up in your section. Dwelling on it won't solve the hurt.

Aquarius

(Jan. 20—Feb. 18)

Now that the confirmation hearings are over, you'll miss your daily dose of Ted Kennedy. Take comfort in knowing that he hasn't missed his daily dose in fourteen years.

Pisces

(Feb. 19—March 20)

You are having second thoughts about your clinic. You wonder how someone who only got a B in Contracts can help anyone in this world.



THE STATE OF THE DIVISION

Crossword 101

By Ed Canty

Not Bad !

Across

- 1 Wise Men
- 5 Stingers, e.g.
- 10 Petty quarrel
- 14 Golf club
- 15 Dish out
- 16 Musical group
- 17 Broadway light
- 18 Holier-than-thou
- 20 Pop
- 21 Shipped
- 22 Actor Alan & family
- 23 Idolize
- 25 Garage event
- 27 Oxygen & nitrogen
- 29 Outsider
- 33 Racing sled
- 34 Flimflams
- 35 Barcelona cheer
- 36 Stench
- 37 Follows second
- 38 Memorization by repetition
- 39 Baseball's Hodges
- 40 Sedimentary rock
- 41 A false god
- 42 Baptismal VIP
- 44 Lavatories: Slang
- 45 Actress Russo
- 46 Dish
- 48 Declare invalid
- 51 Actor Ladd
- 52 Objective
- 55 Christian holy day
- 58 _____ gin fizz
- 59 Other
- 60 Repent
- 61 Mr. Preminger
- 62 Go-getter
- 63 Whistler's Mother, e.g.
- 64 Unfreeze

Down

- 1 Obey orders
- 2 Topic
- 3 Excellent
- 4 Hostel
- 5 Stake
- 6 Solitary
- 7 Atlantic City sight
- 8 Pea holder
- 9 Pigpen
- 10 Second base at times
- 11 Urge
- 12 Verdi's creation
- 13 Playthings
- 19 Blowouts
- 21 Distress signal
- 24 Buckskin provider
- 25 Gape
- 26 Soldier's organization
- 27 Hot punch
- 28 Sound
- 29 Reprimand
- 30 Toast part
- 31 Singer John
- 32 Fishing pole attachments
- 34 Old
- 37 Leg bone
- 38 State of disorder
- 40 Ledge
- 43 More primitive
- 44 Ms. Brett: Children's author
- 46 Woodworking tool
- 47 Egg producer
- 48 Matured
- 49 _____ contendere
- 50 Proboscis
- 51 Fussess
- 53 Smidgen
- 54 Garfield's call
- 56 Musical form
- 57 OJ trier
- 58 Drunkard

Quotable Quote

Too bad the only people who know how to run the country are busy driving cabs and cutting hair.

... George Burns